

FACT SHEET

Court Records Management

The Judicial Council adopted the superior court records sampling program (Rule 243.5), effective July 1, 1992, to ensure the preservation of records in the trial courts. This legislatively mandated action concerns all superior court records filed before 1911 and a sample of superior court records filed after January 1, 1911.

Sampling Technique

Superior courts are assigned in rotation by the Judicial Council to preserve 100 percent of their court records for a calendar year called a Longitudinal sample. All other courts are required to preserve a systematic sample of 10 percent or more of each year's court records and also a 2 percent subjective sample of court records scheduled to be destroyed consisting of:

- all cases accepted for review by the California Supreme Court;
- "fat files" or the thickest perceived case files; and
- cases deemed by the court to be of local, national, or international significance.

Reporting Requirement

Under the rule, superior courts are required to provide semiannually to the Judicial Council a list by year of filing of court records destroyed, filing and location of the court records of the comprehensive and sample court records reserved, and filing and location of the court records transferred to entities under rule 243.6. The council adopted form (982.8A), effective January 1, 1995, titled "Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred" to implement the reporting requirements.

Notice Requirement

Under Rule 243.6, superior courts are required to give 30 days written notice of intent to destroy court records open to public inspection. The notice is sent to entities maintained on the council's master list and to others that directly requested notification.

Records Clearinghouse

As a result of the actions outlined above, a Records Management Clearinghouse was established to: receive superior court records disposition reports required under legislation and council rule; keep courts informed of their responsibilities under the records management statutes and rules; serve as a referral center for historians and researchers seeking to study court records in superior courts; and respond to questions on the standards, rules, reporting forms, and new records management legislation.